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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

CITY OF SAN JOSE; PEOPLE OF THE
STATE OF CALIFORNIA; GINDIN-R&B
COMPANY

Plaintiff,

vs.

MARTIN & ROSANNA ALVAREZ, et al.

Defendants.

NO. 1-96-CV 759667

**DECLARATION OF LT. DAVE
STORTON IN SUPPORT OF MOTION
TO MODIFY THE PERMANENT
INJUNCTION AND FINAL JUDGMENT
PURSUANT TO STIPULATION FILED
ON APRIL 11, 1997**

**DATE: January 29, 2010
TIME: 9:00 a.m.
DEPT: 5
JUDGE: Hon. Mary Jo Levinger**

I, Dave Storton, declare as follows:

1. I am a Lieutenant in the San Jose Police Department. I have been employed
by the San Jose Police Department for 25 years. I am currently assigned to the Santee

1 neighborhood and have been in this position for 2 years. As part of my job duties, I am
2 generally aware of the criminal matters and calls for service that routinely plague the area
3 commonly known as the Santee neighborhood. The Santee neighborhood is defined as the
4 four-block area bounded by Carnelian Drive, Crucero Drive, Dubert Lane, and Santee Drive,
5 which includes Tami Lee Drive and McQuesten Drive. I also attend meetings in the Santee
6 neighborhood to provide assistance to the community and the individuals who enforce the
7 Court Injunctions.

8 2. Throughout my career with the San Jose Police Department, I have conducted
9 hundreds of investigations/arrests of gang members and/or gang, drug, and alcohol-related
10 activity.

11 3. There are ninety-four (94) fourplex properties in the Santee Neighborhood.
12 Sixty (60) properties are controlled by the Permanent Injunction and Final Judgment
13 Pursuant to Stipulation (hereinafter "Permanent Injunction") filed on April 11, 1997. The
14 remaining thirty-four (34) properties are controlled by Permanent Injunctions filed in
15 September, 1996.

16 4. The Permanent Injunctions require armed security guards who patrol the
17 Santee neighborhood. This daily security presence helps the San Jose Police Department
18 because the security company can address or diffuse numerous issues before they escalate
19 to the types of incidents that require police response. Also, the security guards are able to
20 detect criminal activity quickly because they are regularly canvassing the Santee streets.
21 The guards provide the Police Department with extra "eyes and ears" and are able to call the
22 police to report incidents and provide the police with detailed observations when we arrive at
23 the scene, which helps our criminal investigations. In my opinion, the requirements and
24 enforcement of the Permanent Injunctions provide public health and safety to the residents of
25 Santee. Without the Injunctions and armed security, the neighborhood would suffer from
26 even greater and more severe gang-related violence and drug and alcohol-related crimes.
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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. As to those matters alleged on information and belief, I am
3 informed and believe them to be true and correct. This declaration was executed on
4 December 22, 2009, at San Jose, California.

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Lt. Dave Storton Badge # 2454